

In The Matter Of:
Cheri Marie Hanson vs.
Daniel Best, et al.

Officer Kenneth Baker
June 22, 2016



Min-U-Script® with Word Index

Page 29

1 Well, I understand that one, where you
2 wrap all four. They do it in rodeos with calves, too?
3 **A. Yes.**
4 Q. Okay. But I think we're talking about
5 something different here. We're talking about leg
6 restraint and then connected to the handcuffs.
7 And your testimony is that you were
8 taught as far as how to properly use a hobble strap,
9 you would raise the feet up off the floor, but you're
10 saying you wouldn't have them all the way up to a
11 90-degree?
12 **A. No. More than that. So enough so**
13 **their body was -- would be flat to allow for free**
14 **breathing.**
15 Q. You'd want the body flat for free
16 breathing?
17 **A. Yeah. So you don't bow, bow it up**
18 **(indicating). You know what I mean?**
19 Q. Were you trained by someone that you
20 would want to try to create a situation with the
21 hobble to where the person's body would be flat on the
22 floor?
23 **A. Like I said, I was shown how to use it.**
24 **As far as a specific training time, I couldn't tell**
25 **you when that was.**

Page 30

1 Q. Okay. During your field training, did
2 Officers Wandersheid or Gray instruct you concerning
3 what to do with an individual after he was hobbled or
4 you applied the leg restraints to the handcuffs?
5 **A. Maintain control.**
6 Q. And what does that mean?
7 **A. I guess, it's maintain control of the**
8 **subject or the suspect.**
9 Q. Well, let me just be very -- were you
10 taught to keep him in the prone position?
11 **A. However you were able to -- it was**
12 **dictated by the person that you're dealing with, I**
13 **guess.**
14 Q. Were you ever instructed by your field
15 training officers that once you had the person hobbled
16 with the leg restraints attached, to remove them from
17 the prone position or from their stomach and turn them
18 onto their side?
19 **A. No. Just monitor and maintain control.**
20 Q. Were you instructed, then, that it was
21 permissible as part of proper use of a hobble strap to
22 keep the individual who was hobbled or restrained in
23 the prone position or on their stomach?
24 **A. I mean, that would be a case by --**
25 **again, it depends on how they're acting and how**

Page 31

1 **they're -- if it's safe to move them into a different**
2 **position or if they needed to be moved into another**
3 **position. It's all dependent.**
4 Q. Okay. Did you have the understanding,
5 though, that it was appropriate, under certain
6 circumstances, to keep a person who's been hobbled in
7 the prone position?
8 **A. If the situation dictated it, yes.**
9 Q. What type of a situation dictates that
10 you keep a person prone after they're hobbled?
11 **A. It all depends on how they're acting.**
12 Q. I want to know how you were trained.
13 **A. Okay.**
14 Q. So what did Officer Wandersheid or
15 Officer Gray instruct you concerning hobble somebody
16 and keep them prone? How did they instruct you?
17 **A. Again, I can't recall the specific**
18 **training focus or topic or date or anything like that.**
19 **It's just maintain -- monitor the subject and maintain**
20 **control of them.**
21 Q. Anything else?
22 **A. Not that I recall.**
23 Q. So if I understand you correctly, the
24 gist of your training concerning proper use of a
25 hobble was that once you had the person restrained or

Page 32

1 hobbled, it was permissible to keep them on their
2 stomach in a prone position as long as you maintained
3 control of the person and you carefully monitored the
4 person. Is that --
5 **MR. FLYNN: Objection.**
6 **BY MR. BEHRENBRINKER:**
7 Q. Is that a fair statement?
8 **MR. FLYNN: Objection.**
9 Mischaracterizes his testimony.
10 **THE WITNESS: I guess, it's all**
11 **dependent on how they're acting. It's -- you're**
12 **responding to how they're acting. What you do is**
13 **based upon what they do.**
14 **BY MR. BEHRENBRINKER:**
15 Q. Okay. I guess, I don't know what that
16 means.
17 Was part of your training, then, or
18 instruction from your field training officers to
19 maintain the individual's shoulder down to their knee
20 with contact on the floor or the ground?
21 **A. I'm not sure I under -- the shoulder**
22 **down to the knee?**
23 Q. Yeah. From the shoulder down to the
24 knee, would you want that flat on the floor? Was that
25 how you were taught?